

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:15-CR-0049-CDP (DDN)
)	
SEDINA UNKIC HODZIC,)	
)	
)	
Defendant.)	

DEFENDANT SEDINA HODZIC’S MOTION TO DISMISS

Comes now Defendant Sedina Hodzic, by the through counsel, Paul D’Agrosa, and respectfully moves this Honorable Court for an order dismissing the indictment in this case. In support of her motion, Defendant states that the indictment, and specifically Counts I and III with which she is charged, fail to allege facts sufficient to constitute the specific intent required under 18 U.S.C. §2339A(a), that Defendant provided material support or resources knowing or intending that they be used to carry out a conspiracy to commit murder or maiming under 18 U.S.C. §956(a)(1). As an additional ground, Defendant states that the indictment fails to plead facts concerning the nature of the conduct allegedly constituting the object of the charged conspiracy, which was a conspiracy to murder or maim abroad, thereby affording Defendant with insufficient notice of the conduct such that she could prepare a defense.

Defendant brings her motion pursuant to Fed. R. Crim. P. Rule 12(b), which provides in relevant part, that “[a]ny defense, objection, or request that the court can

determine without a trial of the general issue” may be raised before trial by motion, and the relevant case law which provides that an indictment may be stricken for failure to state an offense, where the specific facts alleged fall outside the scope of the relevant criminal statute. *United States v. Sewell*, 513 F.3d 820, 821 (8th Cir. 2008); *United States v. Hernandez*, 299 F.3d 984, 992 (8th Cir. 2002). See also *United States v. Mallen*, 843 F.2d 1096, 1103 (8th Cir. 1988) (the indictment must provide an accused with a description of the charge against him to enable him to prepare a defense and to plead his conviction or acquittal for protection against further prosecution for the same charge.)

Defendant’s motion is also based on her accompanying Memorandum in Support of Motion to Dismiss, and on the quantum of discovery produced to date.

Respectfully submitted,

/s/Paul J. D’Agrosa
Paul J. D’Agrosa, #36966MO
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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2015 I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record.

/s/ Paul D'Agrosa